

NATIONAL ENVIRONMENTAL POLICY ACT STATEMENT

The National Environmental Policy Act (NEPA), 42 USC 4321-4347, became effective January 1, 1970. This law requires that all federal agencies have prepared for every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment a detailed statement (now called an Environmental Impact Statement or EIS). The Federal Highway Administration (FHWA) is therefore required to have prepared an EIS on proposals that are funded under its authority if the proposal is determined to be a major action significantly affecting the quality of the human environment.

EISs are required for many transportation projects, as outlined in NEPA. The processing of an EIS is done in two stages. Draft EISs (DEISs) are first written and forwarded for review and comment to federal, state, and local agencies with jurisdiction by law or special expertise, and are made available to the public. This availability to the public must occur at least 15 days before the public hearing and no later than the time of the first public hearing notice or notice of opportunity. Normally 45 days plus mailing time will be allowed for comments to be made on the Draft EIS unless a time extension is granted by the Director of the Bureau of Equity and Environmental Services of the Wisconsin Department of Transportation. After this period has elapsed, preparation can begin on a Final EIS (FEIS).

FEISs are prepared to reflect the distribution of the draft statement by including the following:

- Basic content of the draft statement, as amended, due to internal agency comments, editing, additional alternatives being considered, and changes due to the time lag between the Draft and Final EIS.
- Summary of public hearing environmental comments.
- Copies of comments received on the draft statement.
- Evaluation and disposition of each substantive comment.

A Record of Decision cannot be completed and signed sooner than 90 days after circulation of draft statements to the Environmental Protection Agency (EPA) or 30 days after submission of final statements to the EPA.

Both the Draft and Final EIS are full-disclosure documents, which provide a full description of the proposed project, the existing environment, and an analysis of the anticipated beneficial and/or adverse environmental effects.

Names and addresses of those individuals to contact for additional information, or to provide written comments to, are indicated on the title sheet.

DOCUMENT FORMAT AND ENVIRONMENTAL STREAMLINING

The format of this Environmental Impact Statement (EIS) is new for WisDOT EIS projects. Readers may be familiar with the textual format used in the past for EISs such as the Highway 26 Fort Atkinson Bypass, the US 12 Whitewater Bypass and other WisDOT projects in the area. This new “screening worksheet” format is now being tested as a way to meet Presidential Executive Order #13274 on Environmental Streamlining, which is designed to expedite environmental reviews on transportation infrastructure projects.

To further streamline the process, the US 12 EIS employed the “*Concurrent NEPA/404 Processes for Transportation Projects Guidelines*”¹ which is a way to ensure early and comprehensive coordination and concurrence with the cooperating agencies. In this case, the cooperating agencies that are participating include the US Environmental Protection Agency (EPA), the US Fish & Wildlife Service (USFWS) and the US Army Corps of Engineers (USACE). The Wisconsin Department of Natural Resources (DNR) played a supportive role in early coordination through a cooperative agreement between WisDOT and the DNR. Early involvement and coordination is intended to result in collaborative decision-making and conflict management.

The intent of the WisDOT EIS Screening Worksheets is to standardize the look of the EIS and to reduce the number of pages to be in line with CEQ 40 CFR 1500.4 (to reduce excessive paperwork). The EIS Screening Worksheets will enhance the environmental scrutiny of significant effects generated by a transportation improvement project and foster public awareness.

The concept of Screening Worksheets has been used for over 25 years by WisDOT to investigate, evaluate, mitigate, and report the environmental effects of actions that require an Environmental Assessment and those rehabilitation projects that require FHWA consensus before they may be considered Categorical Exclusions. The Screening Worksheets have been accepted by the public, the courts, federal, and state agencies.

The EIS Screening Worksheets are self-tailoring and comprehensive. Self-tailoring means that only those issues and concerns that are important are addressed in-depth. For example, an urban project that does not acquire any farmland would not include the Agricultural Impact Evaluation pages. Self-tailoring is inherent within each worksheet because only the important details surrounding any environmental issue or concern need to be fully discussed. The EIS Screening Worksheets are made comprehensive by focusing on the important issues and concerns for each element of the environment.

The EIS Screening Worksheets are made up of two types of work sheets, the Basic Sheets that must be completed and the Factor Sheets that are completed only if the resource they address is affected by the transportation improvement project.

¹ Concurrent NEPA/404 Processes Interagency Task Group (March 1994) *Concurrent NEPA/404 Processes for Transportation Projects Guidelines*, Federal Highway Administration, US Army Corps of Engineers, United States Environmental Protection Agency, U.S. Fish & Wildlife Service.

MEASURES TO MINIMIZE & MITIGATE ADVERSE IMPACTS

1. Finding of No Practicable Alternative – Wetlands

Federal agencies are required to avoid to the extent practicable, adverse impacts from wetland modification. New construction in wetlands must be avoided unless there is no reasonable alternative. Where these wetlands cannot be avoided, measures to minimize harm must be included in the proposed action. If an alternative that modifies wetlands is selected as the preferred alternative, this section will be completed in the Final EIS and will describe the wetland avoidance strategies and will show how impacts would be minimized and/or compensated for.

2. Environmental Commitments for Direct Impact Mitigation

1) Identify and describe any commitments made to protect the environment. Indicate when the commitment should be implemented and who in WisDOT would have jurisdiction to assure fulfillment for each commitment. Include commitments made to address traffic (including commitments for any detour) for each Factor below as needed.

This section will be completed for the selected alternative and presented in the Final Environmental Impact Statement. It will be attached to the design study report.